IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.
Appeal No.431 of 2006
In
Suit No.339 of 1991

Shiraz B. Anklesaria & anr. .. .. Appellants
v/s.
Mehroo Meherji Vakil & ors. .. .. Respondents

Mr.F. Divitre with Mr.Gaurang R. Mehta for appellants.

Mr.H.J.Thakkar with Mr.Vishal Thakkar i/by Gagrats for res.Nos.1 to 3.

Mr.Rustam Bhagalia with Mr.Vijay Jagtap for res.Nos.4.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 4th September 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. Mr.Devitre appearing for the appellants and Mr.H.J. Thakkar appearing for respondent Nos.1 to 3 tender Consent Terms duly signed by the appellants and respondent Nos.1 to 3 and their Advocates on record. The Consent Terms are taken on record and marked ‘X’ for identification. The appellants and respondent Nos.1 to 3 are seeking that this Appeal be disposed of in terms of these Consent Terms.

3. The appellants are directed to act on these Consent Terms. They will hand over the possession of the room marked in red colour and the attached balcony as also the long passage adjoining to the room. We are told that some old articles belonging to one Mr.B.R.B. Vakil are lying in this passage and also in the red coloured room and balcony.

4. Mr.Bhagalia appearing for respondent No.4 makes a statement on instructions of respondent No.4, who is present in Court, that she is not interested in claiming any of these articles. This being the position, the appellants are directed to remove these articles on or before 15th September 2006. The possession of this room will be handed over by 15th September 2006. They will dispose of those articles and deposit the amount received in the probate proceedings concerning the estate of Mr.B.R.B. Vakil in Suit No.35 of 1996 in Petition No.84 of 1993.

5. The appellants will apply to the Prothonotary and Senior Master for appointing an appropriate officer. The officer will make inventory of these articles. The officer will also remain present when these articles are

disposed of. He will file a Report of inventory as well as list of articles and the amount received when it is deposited in the above Suit.

6. We make it clear that respondent No.4 is not a party to this arrangement. However, in view of the appellants vacating themselves from the red coloured room, hereafter the blue coloured room will remain in possession of respondent No.4 only.

7. Appeal stands disposed of.

8. In view of the disposal of the Appeal, nothing survives in Notice of Motion No.1888 of 2006 and the same is accordingly disposed of.

8. All parties will act on an authenticated copy of this order.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)